

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

M. MAUREEN POLSBY,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.: 01-323 (RMU)
v.	:	
	:	Document Nos.: 8, 13, 15
TOMMY G. THOMPSON <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

**GRANTING THE PLAINTIFF’S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT
DENYING WITHOUT PREJUDICE THE DEFENDANTS’ MOTION TO DISMISS
GRANTING THE DEFENDANTS’ MOTION FOR AN ENLARGEMENT OF TIME**

This matter comes before the court upon the defendants’ motion to dismiss, the plaintiff’s unopposed motion for leave to file an amended complaint,¹ and the defendants’ consent motion for enlargement of time to file an answer to the amended complaint.

Under Federal Rule of Civil Procedure 15, a party may file a motion for leave to amend a complaint in conjunction with a proposed amendment or new pleading. *See* FED. R. CIV. P. 15(a). In cases where responsive pleadings are permitted, parties can amend complaints “once as a matter of course” so long as the opposing party has not yet served a responsive pleading and the court has not ruled on a motion to dismiss. *See id.*; *Government of Guam v. American President Lines*, 28 F.3d 142, 150 (D.C. Cir. 1994). A motion to dismiss is generally not considered to be a “responsive pleading” under Rule 15(a). *See id.*

¹ The court will interpret the plaintiff’s one-page response to the defendants’ motion to dismiss as a motion to amend her complaint.

In this case, the plaintiff filed the complaint on February 12, 2001, and the defendants subsequently filed a motion to dismiss instead of an answer on August 13, 2001. The plaintiff filed a response, seeking leave to amend the complaint, on October 2, 2001, and filed her first amended complaint on October 11, 2001. Because the plaintiff's motion represents her first request to amend her complaint, the court has not ruled on the motion to dismiss, and the defendants have not served a responsive pleading, the court grants the plaintiff's motion to amend her complaint.

Accordingly, it is, this 8th day of November, 2001,

ORDERED that the plaintiff's motion for leave to file an amended complaint is **GRANTED**; and it is

FURTHER ORDERED that the defendants' motion to dismiss is **DENIED WITHOUT PREJUDICE**; and it is

ORDERED that the defendants' motion for an enlargement of time (to November 5, 2001) to respond to the amended complaint is **GRANTED**.

SO ORDERED.

Ricardo M. Urbina
United States District Judge

Service List in *Polsby v. Thompson, et al.*
Civil Action No. 01-00323 (RMU)

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